

STEVEN BENITO RUSSO, SBN 104858  
Chief of Enforcement  
LUISA MENCHACA, SBN 123842  
General Counsel  
WILLIAM L. WILLIAMS, JR., SBN 99581  
Commission Counsel  
HOLLY B. ARMSTRONG, SBN 155142  
Commission Counsel  
**FAIR POLITICAL PRACTICES COMMISSION**  
428 J Street, Suite 620  
Sacramento, CA 95814  
Telephone: (916) 322-5660  
Facsimile: (916) 322-1932

Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SACRAMENTO

FAIR POLITICAL PRACTICES COMMISSION,	)	Case No.
a state agency,	)	
	)	
Plaintiff,	)	COMPLAINT FOR CIVIL
	)	PENALTIES UNDER THE
v.	)	POLITICAL REFORM ACT OF 1974,
	)	AS AMENDED
	)	
MORONGO BAND OF MISSION INDIANS,	)	(Government Code §§ 91001(b) and
	)	91004)
Defendant.	)	UNLIMITED CIVIL ACTION
	)	

Plaintiff FAIR POLITICAL PRACTICES COMMISSION, a state agency, alleges as follows:

1. Plaintiff brings this action in the public interest to enforce the provisions of the Political Reform Act of 1974. (Government Code sections 81000 through 91014.)

**CAMPAIGN DISCLOSURE REQUIREMENTS**

2. An express purpose of the Political Reform Act of 1974 (the "Act"), as set forth in Government Code section 81002, subdivision (a), is to ensure that the contributions and expenditures affecting California election campaigns are fully and truthfully disclosed to the public, in order that voters may be fully informed, and improper practices may be inhibited.

3. In furtherance of this purpose of disclosure, the Act sets forth a comprehensive campaign reporting system, designed to disclose to the public in a timely manner pre-election activity by major donors to California political candidates and committees. (Gov. Code section 84200, et seq.)

## CIVIL ENFORCEMENT

4. Government Code section 91004 provides that any person, who intentionally or negligently violates any of the reporting requirements of the Act, shall be liable in a civil action in an amount up to the amount(s) not properly reported. Government Code section 81002 provides that the Act will be vigorously enforced.

## **JURISDICTION AND VENUE**

5. This court has original jurisdiction over the amount in controversy in this matter. As the cause of action in this matter occurred in connection with a campaign report that should have been filed with the Office of the California Secretary of State (the “Secretary of State”), located in the County of Sacramento, the County of Sacramento is the proper venue for this action, pursuant to Code of Civil Procedure section 393.

**PARTIES**

## PLAINTIFF FAIR POLITICAL PRACTICES COMMISSION

6. Plaintiff Fair Political Practices Commission (the “Commission”) is a state agency created by the Act. The Commission has primary responsibility for the impartial, effective administration and implementation of the Act. (Gov. Code section 83111.) Pursuant to Government Code section 91001, subdivision (b), the Commission is the civil prosecutor for matters involving state committees and state election campaigns, and is authorized to maintain this action under Government Code sections 91001, subdivision (b), and 91004.

DEFENDANT MORONGO BAND OF MISSION INDIANS

7. Defendant Morongo Band of Mission Indians (the “Morongo Band”) is a federally recognized Indian Tribe, exercising jurisdiction over the Morongo Indian Reservation in Riverside County, California.

8. On and between January 1, 2000 and June 30, 2000, Defendant Morongo Band made contributions totaling at least \$10,000 to one or more California political committees. As such,

1 Defendant Morongo Band qualified as a major donor committee under Government Code section 82013,  
2 subdivision (c) for the calendar year 2000.

3 **SINGLE CAUSE OF ACTION**

4 (FAILURE TO DISCLOSE A LATE CONTRIBUTION IN A LATE CONTRIBUTION REPORT)

5 9. Plaintiff re-alleges, and incorporates herein, paragraphs one through eight, as though set  
6 forth at length.

7 10. Pursuant to Government Code section 84203, subdivision (b), when a major donor  
8 committee makes a late contribution, the major donor committee must file a late contribution report with  
9 the Secretary of State within 24 hours of making the contribution, disclosing the contribution.

10 11. Under the Act, a “contribution” includes a loan made to a political committee or  
11 candidate. (Gov. Code sections 82015 and 82044.)

12 12. Government Code section 82036 defines a “late contribution” as a contribution  
13 aggregating \$1,000 or more that is received before an election, but after the closing date of the last pre-  
14 election statement that is required to be filed.

15 13. Under Government Code section 84200.8, the late contribution reporting period prior to  
16 any election not held in June or November of an even-numbered year, is the last 16 days before the  
17 election. The late contribution reporting period for the March 7, 2000 primary election was from  
18 February 20, 2000 through March 6, 2000, inclusive.

19 14. Yes on 1A, Californians for Indian Self-Reliance (the “Yes on 1A Committee”) was, at  
20 all times relevant herein, a state ballot measure committee, primarily formed to support the passage of  
21 Proposition 1A in the March 7, 2000 primary election. Proposition 1A was a proposed amendment to  
22 the state constitution that permitted Indian casino gambling activities that were otherwise prohibited by  
23 the state constitution.

24 15. On February 29, 2000, Defendant Morongo Band made a late contribution of  
25 \$500,000.00, in the form of a loan, from the Morongo Band of Mission Indians-Native American Rights  
26 Fund, to the Yes on 1A Committee.

27 16. Government Code section 84203, subdivision (a) required that the \$500,000 contribution  
28 be disclosed by Defendant Morongo Band in a late contribution report filed with the Secretary of State

1 no later than March 1, 2000. Defendant Morongo Band did not disclose the \$500,000 late contribution  
2 in a late contribution report filed with the Secretary of State by the March 1, 2000 due date.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

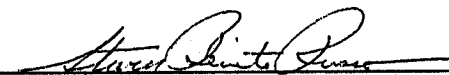
5 1. For statutory penalties against Defendant Morongo Band of Mission Indians, payable to  
6 the "General Fund of the State of California," according to proof, in an amount up to the amount(s) not  
7 properly reported, as permitted by Government Code section 91004;

8 2. For the costs of suit herein; and

9 3. For such other and further relief as the Court may deem proper.

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19 Attorneys for Plaintiff  
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Dated: January 7, 2003

By   
STEVEN BENITO RUSSO  
Chief of Enforcement